



19 SEP 2006

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In re Application of	:	
BRUDER et al.	:	DECISION
Application No.: 10/534,849	:	
PCT No.: PCT/EP03/12280	:	
Int. Filing Date: 04 November 2003	:	
Priority Date: 15 November 2002	:	
Attorney's Docket No.: CH8351/LeA 36,481	:	
For: OPTICAL DATA STORE COMPRISING A CO	:	
PTHALOCYANINE HAVING AN AXIAL	:	
SUBSTITUENT...INFORMATION LAYER	:	

This is a decision on the submission filed by applicants on 03 August 2006.

#### **BACKGROUND**

On 04 November 2003, applicants filed international application PCT/EP03/12280 which claimed a priority date of 15 November 2002 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 June 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 May 2005 (15 May 2005 being a Sunday).

On 13 May 2005, applicants filed, *inter alia*, a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 28 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required.

On 12 October 2005, applicants filed a submission via facsimile transmission which was accompanied by, *inter alia*, a declaration of inventors and the surcharge under 37 CFR 1.492(e).

On 10 February 2006, a Notification was mailed indicating that the declaration of inventors filed 12 October 2005 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in names in the first-named inventor between the published international application (Horst Bruder) and the declaration of inventors (Horst Berneth).

On 10 April 2006, applicants filed a submission via facsimile transmission indicating that the published international application mistakenly indicated the first-named inventor as Horst BRUDER.

On 30 June 2006, a decision was mailed indicating that on 27 April 2006, the International Bureau published a correction in which the first-named inventor is indicated as Horst BERNETH and thus the name of the first-named inventor was no longer an issue. However, the decision also noted that the third-named inventor is indicated in the declaration of inventors filed 12 October 2005 as Winfried Haese but is indicated in the published international application and in the copy of the Request accompanying the submission filed 10 April 2006 as Wilfried Haese. It was further noted that if the correct name is Wilfried Haese, it could be corrected either by submitting a new declaration of inventors signed by Wilfried Haese or by filing an Application Data Sheet.

On 03 August 2006, applicants filed the instant submission which was accompanied by an Application Data Sheet identifying the inventor as Wilfried Haese.

#### **DISCUSSION**

The response filed 03 August 2006 is a proper reply to the decision mailed 30 June 2006. The third-inventor's name is Wilfried Haese as indicated in the international publication and the Application Data Sheet filed 03 August 2006. The declaration of inventors filed 12 October 2005 is in compliance with 37 CFR 1.497(a)-(b).

#### **CONCLUSION**

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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